

Office Action Summary

Application No.

09/672,571

Applicant(s)

SCHULZ ET AL.

Examiner

Ann M McCamey

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2833

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least two positions of the release mechanism must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. See 35 U.S.C. 112, first paragraph rejection below.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 8, 15 and 24 are objected to because of the following informalities: "the transceiver housing" (claim 1) lacks proper antecedent basis; "and" after "cage," (claim 1, line 3) should be removed; "the cage housing" (claims 8, 15, 24) lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 21 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There lacks sufficient description in the specification as to how the release mechanism is selectively movable between at least a first position and the second position, as recited in claims 1 and 21. The specification generally describes this feature beginning at the bottom of page 4 merely disclosing, "[O]ther transceiver module embodiments may include a release mechanism 48 formed from a release block 50, which is slidable toward and away from the back end of transceiver module 20 within a longitudinal slot defined in the bottom surface of the transceiver module." No further description as to how the release block operates within the slot is provided, nonetheless where the first and second positions are (with no aid from the drawings). This description is not sufficient to enable one skilled in the pertinent art to make and use the claimed invention.

The following art rejection is based on this limitation as best understood by the examiner, i.e. the release mechanism is selectively movable relative to the receptacle, and not the module (as implied by the specification).

Art Unit: 2833

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear relative to what the release mechanism is selectively movable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-8, 10-15, 17-21 and 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Berg et al. (US 6,149,465).

Regarding claims, 1, 6 and 7, Berg et al. discloses a pluggable transceiver (Figure 7) comprising:

a housing 22 having a front end and a back end;

a cam 74 disposed on an exposed outer surface of the transceiver housing; and

a release mechanism/block 75 attached to the housing.

Art Unit: 2833

Regarding claims 8, 10-14 and 24-27, Berg et al. discloses a cage 24 comprising:

a housing having a front end and defining a slot 30;

a latch 75 disposed at the front end of the cage housing, including a front end having an inner surface that flares outwardly away from an interior region of the housing (right of 38);

an ejection mechanism 27; and

a circuit card connector disposed in a back end of the cage housing (Column 3, Lines 55-58).

Regarding claim 15, Berg et al. discloses a data coupling system comprising:

a pluggable transceiver 22 comprising a housing 32 having a front end and a cam 74 disposed on an exposed outer surface of the transceiver housing;

a cage 24 comprising a housing having a front end and defining a slot 30, and a latch 75 comprising a front end having an inner surface that flares outwardly and configured to shield against EMI;

a release mechanism/release block 74; and

an ejection mechanism 27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2833

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al. as applied to claims 1 and 15 above, in view of Meyer-Guldner et al. (US 6,022,151).

Regarding claims 2 and 16, Berg et al. discloses the invention substantially as claimed but does not disclose the cam having a chamfered surface. Meyer-Guldner et al. teaches a chamfered surface for gradual and easy insertion of a latch mechanism. It would have been obvious to one having ordinary skill in the art to chamfer the surface of the cam of Berg et al. as Meyer-Guldner et al. teaches to reduce the insertion forces.

Regarding claim 3, Meyer-Guldner et al. teaches the chamfered surface is rectangular (Figure 2).

Regarding claim 4, Berg et al. shows the surface of the cam tapers from the front end to the back end.

Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al. in view of Doye et al. (US 6,095,862).

Berg et al. discloses the invention substantially as claimed, but does not disclose the housing including side walls. Doye et al. teach a cage housing for a similar structure including sidewalls. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include sidewalls in the structure of Berg et al. to provide shielding for the sides of the inserted connector.

Art Unit: 2833

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann M McCamey whose telephone number is (571) 272-2010. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ex. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2833

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMM
February 24, 2004



RENEE LUEBKE
PRIMARY EXAMINER